THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 35944 OF 1998

Dated 10th April, 2007

Between:

Ramnath Poultry Farms,
Pedda Amberpet, Ranga Reddy District,
represented by its Managing Partner.

…Petitioner

And

The Commissioner and Director of Marketing,
Government of A.P., Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a mandamus to declare the action of the respondents in collecting market fee by the respondents at the check posts on the inter-State purchases made by the petitioner outside the State and brought into the State.

It is submitted by the learned counsel for the petitioner that subsequent to the filing of the writ petition, the Director of Marketing had issued Circular dated 19.8.2002 in proceedings No. Unit-V(3)/351/2002 wherein all the Secretaries of Agricultural Market Committees are directed to follow the guidelines issued in the circulars referred to therein with regard to collection of market fees at Check Posts. Learned counsel for the petitioner makes a request for disposal of the writ petition with a direction to the respondents to follow the circular dated 19.8.2002 issued in proceedings No.Unit-V(3)/351. The learned counsel also relied on an order of a learned Single Judge of this Court in Writ Petition No. 13306 of 2002, dated 9-8-2006.

In the order relied on by the learned counsel for the petitioner, this court without going into the merits of the case disposed of the writ petition directing the respondents to follow the instructions issued in Circular dated 27.10.1998 while collecting market fees at Check Posts.

Though the writ petition is of the year 1998, no counter affidavit is filed by the respondents and the interim order passed by this court on 28.12.1998 continued all along.

In that view of the matter, I dispose of the writ petition with a direction to the respondents to follow the guidelines as per the

Circular dated 19.8.2002 issued in proceedings No. Unit-V(3)351/2002 while collecting market fees. So far as refund is concerned, in the absence of any particulars, no direction can be given. However, it is left open to the petitioner to file an appropriate application seeking refund of the market fees collected, and, if such an application is filed, it is open for the respondents to consider the same.

The writ petition is disposed of accordingly. No costs.

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10-4-2007

R.SUBHASH REDDY, J.

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